Dixit

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3011 OF 1998
IN
SECOND APPEAL NO.202 OF 1994

Dashrath Tavanappa Bastawad, Deceased, .
Thru' Malati Dashrath Bastwad & Ors. ...Appellants
V/s.
Rupchand Rajaram Shah, Deceased, .
Thru' Prakash Rupchand Shah & Ors. ...Respondents

Mr.T.S. Ingale, Advocate, for the Appellants.

CORAM : ABHAY S. OKA, J.
DATE : 24TH OCTOBER, 2007.

P.C.:

1. The office noting shows that the Civil Application stands dismissed as against respondent Nos.1A, 1C, 2, 3A to 3F, 3G(A) to 3G(E), 4, 6A, 6B and 11. However, respondent No.1B is duly served. None appears for the said respondent.

2. In view of the averments made in the Civil Application, sufficient cause is made out for condonation of delay and for setting aside abatement. Hence the Civil Application is allowed in terms of prayer clauses (a), (b) and (c1).

3. It is, however, clarified that name of only respondent No.1(B) will be brought on record as the Civil Application is dismissed as against the other legal representatives. Amendment to be carried out within six weeks.

[ABHAY S. OKA, J.]